

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

REALSELF INC.,

Plaintiff,

v.

AESTHETICS BIOMEDICAL INC.,

Defendant.

CASE NO. 2:24-cv-01527-JNW

ORDER PERMITTING  
ALTERNATIVE SERVICE OF  
PROCESS

This matter comes before the Court on Plaintiff RealSelf, Inc.'s ("RealSelf") ex parte motion for an order permitting alternative service of process on Defendant Aesthetics Biomedical, Inc. ("ABM"). Dkt. No. 6. For the reasons below, the Court GRANTS the motion and permits RealSelf to effect service by mail on ABM using a combination of both first-class and certified U.S. mail.

Under the Federal Rules of Civil Procedure, a domestic corporation may be served in a judicial district of the United States in the manner prescribed by Rule 4(e)(1) for serving an individual. Fed. R. Civ. P. 4(h)(1)(A). Under Rule 4(e)(1), an individual may be served in a judicial district of the United States by following state law for serving a summons in an action brought in courts of general

1 jurisdiction in the state where the district court is located or where service is made.  
2 Fed. R. Civ. P. 4(e)(1). Here, Defendant ABM is registered and headquartered in  
3 Arizona. Dkt. No. 6 at 3. As such, Plaintiff may serve ABM in Arizona in accordance  
4 with Arizona law governing service of summons.

5 In general, under Arizona law, a domestic corporation “may be served by  
6 delivering a copy of the summons and the pleading being served to a partner, an  
7 officer, a managing or general agent, or any other agent authorized by appointment  
8 or by law to receive service of process and—if the agent is one authorized by statute  
9 and the statute so requires—by also mailing a copy of each to the defendant.” Ariz.  
10 R. Civ. P. 4.1(i). However, “[i]f a party shows that the means of service provided in  
11 Rule 4.1(c) through Rule 4.1(j) are impracticable, the court may—on motion and  
12 without notice to the person to be served—order that service may be accomplished  
13 in another manner.” Ariz. R. Civ. P. 4.1(k)(1). “If the court allows an alternative  
14 means of service, the serving party must make a reasonable effort to provide the  
15 person being served with actual notice of the action’s commencement.” *Id.* “In any  
16 event, the serving party must mail the summons, the pleading being served, and  
17 any court order authorizing an alternative means of service to the last-known  
18 business or residential address of the person being served.” *Id.*

19 Here, RealSelf has shown that service in accordance with Arizona Rule of  
20 Civil Procedure 4.1(i) is impracticable. At five different dates and times, RealSelf’s  
21 process server attempted to serve ABM’s CEO and statutory agent at the personal  
22 address registered with the Arizona Corporation Commission—all to no avail. Dkt.  
23 No. 7-1 at 2. RealSelf’s process server also tried to serve an agent or officer of ABM

1 at the business address registered with the Arizona Corporation Commission; but  
2 the office was vacant. Dkt. No. 7-2 at 2. RealSelf has no information regarding  
3 ABM's statutory agent's whereabouts. Dkt. No. 7 at 2. Given the failure of these  
4 efforts, alternative serve is justified. *See* Ariz. R. Civ. P. 4.1(k).

5 Further, RealSelf has satisfied the requirement that "the serving party must  
6 make a reasonable effort to provide the person being served with actual notice of  
7 the action's commencement." *See id.* In email exchanges between RealSelf's counsel  
8 and ABM's CEO and statutory agent, the latter expressly acknowledged awareness  
9 of the filing of this lawsuit. *See* Dkt. No. 7-3 at 6 ("We have seen the notice of  
10 complaint regarding our payment due to RealSelf.").

11 As such, the Court ORDERS that RealSelf may serve ABM with the  
12 Summons, Complaint, and this Order via U.S. mail by first-class mail *and* certified  
13 mail to the business address and registered agent address registered with the  
14 Arizona Corporation Commission. The Court also DIRECTS RealSelf to make a  
15 reasonable effort to provide ABM with notice of this Order through any other  
16 available means, including email.

17 It is so ORDERED.

18  
19 Dated this 19th day of November, 2024.

20 

21 Jamal N. Whitehead  
22 United States District Judge  
23